



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Age: 48	ISABEL OLIVARES , Mother, was appointed Conservator of the Estate on 12-1-83. Bond is \$14,300.00 (ok) Account period: 1-1-10 through 12-31-11 Accounting: \$237,874.44 Beginning POH: \$212,934.18 Ending POH: \$212,952.15 Conservator: Waived Attorney: \$1,600.00 (less than Local Rule) Costs: \$685.00 (filing fee, bond premium, filing fee for request in SNT) <i>(Authorized Attorney fees and costs to be paid from the Special Needs Trust.)</i> The GLORIA OLIVARES SPECIAL NEEDS TRUST was created per Order Settling the 13 th Account on 7-25-08 (09CEPR00580). Conservatee receives \$1,000/month in connection with a personal injury settlement plus a \$20,000 lump sum payment every five years. In order to retain the Conservatee's Medi-Cal benefits, Petitioner requests authority to deposit the next lump sum payment upon receipt in November 2013 to the trustee of the Special Needs Trust. Pursuant to Order of 8-24-09 in the Special Needs Trust, accountings for the trust were eliminated as long as trust assets remained under \$20,000.00. Therefore, upon receipt of said funds, accounting will be required for the two-year period beginning after receipt of said funds. Petitioner prays for an order: 1. Settling and allowing the 15th account; 2. Authorizing payment of attorney fees; 3. Authorizing Petitioner to cause the lump sum settlement payment to be received in November 2013 in the sum of \$20,000.00 to be deposited in the blocked account for the GLORIA OLIVARES SPECIAL NEEDS TRUST; and 4. Such other and further relief as the Court may deem proper. Court Investigator Charlotte Bien's report filed 9-28-10 recommends conservatorship continue as is.	NEEDS/PROBLEMS/COMMENTS:
DOB: 12-12-63		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		W
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ 2620(c)		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 3-12-12 Updates: Recommendation: File 1 – Olivares

Atty Shepard, Jefferson S. (for Javier Benitey and Rosalie Spate – Co-Conservators)

(1) Ninth and Final Account and Report of Conservator Petition for Nunc Pro Tunc Order Exonerating Bond for Settlement of Account, (2) Fees to Conservators and Attorney, (3) Reimbursement for Home Repairs and (4) Termination of Conservatorship of Estate (Prob. C. 2620, 2621, 2640, 2642, 2630)

Age: 89	JAVIER BENITEY , Son and remaining Co-Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Co-Conservator Rosalie Spate passed away on 10-16-11. Petitioner requests that her commission be paid to her husband Louis Spate under Probate Code §13100. Therefore, need affidavit pursuant to Probate Code §13101 from Louis Spate. 2. Petitioner requests the bond be exonerated NUNC PRO TUNC as of 12-31-11; however: a. This account period through 1-17-12 is not yet approved; and b. There are currently still funds in the conservatorship estate. The Court may require clarification regarding the requested date or authority for such order on NUNC PRO TUNC basis. 3. Need order.
DOB: 3-18-1923	Co-Conservator Rosalie Spate passed away on 10-16-11.	
	Current bond: \$168,000.00	
	Account period: 4-1-09 through 1-17-12	
	Accounting: \$ 156,118.32	
	Beginning POH: \$ 91,619.29	
	Ending POH: \$ 9,480.87 (cash)	
Aff.Sub.Wit.	Co-Conservator Rosalie Spate: \$1,000.00 (4 hours/month from 4-1-09 through 3-31-11, payable to her husband under Probate Code §13100)	
<input checked="" type="checkbox"/> Verified	Co-Conservator Javier Benitey: \$500.00 (4 hours/month from 4-1-11 through 12-31-11 for balancing bank accounts, issuing checks, bookkeeping, etc.)	
Inventory	Attorney: \$1,000.00 (per Local Rule)	
PTC	Petitioner states he cared for his mother in his home since 1992. For about two years prior to moving her to the care facility, the conservatee's severely diminished capacity caused her to become extremely destructive and also incontinent. These conditions caused extensive damage to the conservator's home and repairs are needed. Petitioner has obtained estimates totaling \$12,822.87 by Genaro's Home Repair Service and requests the Court approve payment to the extent possible from the conservatorship account.	
Not.Cred.	Petitioner states the conservatorship estate consists only of social security income which has been assigned to Medi-Cal for application toward her care in the facility. There are insufficient funds and assets with which to continue the conservatorship of the estate, the court's filing fee for accounts and reports, and the ongoing Court Investigation fees. Pursuant to Probate Code §2626 it is in the best interest of the conservatorship estate that the conservatorship of the estate be terminated and that the conservatorship bonds be cancelled NUNC PRO TUNC as of 12-31-11.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Petitioner prays for an Order: 1. Settling and allowing the account and report and approving and confirming the acts of Petitioner as Co-Conservator; 2. Fixing and allowing the sum of \$1,000.00 as the commission for Co-Conservator Rosalie Spate and allowing payment of said commission to Louis Spate pursuant to Probate Code §13100; 3. Fixing and allowing the sum of \$500.00 as the commission for Co-Conservator Javier Benitey; 4. Fixing and allowing the sum of \$1,000.00 as the fee for the attorney's ordinary legal services; 5. Authorizing payment for repairs to the home of Co-Conservator Javier Benite to the extent available from the conservatorship account; 6. Exonerating the surety bond NUNC PRO TUNC 12-31-11; and 7. Terminating the conservatorship of the estate of conservatee.	

Atty Walker, Keith S. (of Claremont, for Nitza Peña, Administrator)

Probate Status Hearing Re: Failure to File Inventory and Appraisal and Failure to File a First Account or Petition for Final Distribution

DOD: 6/12/1995	NITZA PEÑA , niece, was appointed Administrator with Limited IAEA on <u>12/6/1995</u> with bond fixed at \$20,000.00 .	NEEDS/PROBLEMS/COMMENTS:
Cont. from: 090910, 120610, 012711, 040611, 060711, 090611, 110811, 121311, 020812	Proof of Bond posted in the amount of \$20,000.00 was filed on 12/15/1995, and <i>Letters</i> issued on that date.	<u>Continued from 2/8/2012.</u> <i>Minute Order</i> states Keith Walker appears via Courtcall. Court orders Mr. Walker and Ms. Pena to personally appear if the Inventory and Appraisal is not filed by the next hearing on 3/21/2012.
Aff.Sub.W	The Inventory and Appraisal was due on <u>3/15/1996</u> . The first account or petition for final distribution was due on <u>12/15/1996</u> .	<u>Note:</u> Court records show no documents other than the Court's <i>Minute Orders</i> have been filed in this matter since 7/28/2010, which was the Court's notice of status hearing to Attorney Walker.
Verified	Proof of Service by Mail – Failure to File Inventory and Appraisal was filed on 5/20/1996 indicating the notice of failure to file an inventory and appraisal, a first account or petition for final distribution was mailed to Attorney Keith Walker on 5/20/1996.	<u>Note:</u> An <i>Amended Creditor's Claim</i> was filed in this case on 6/21/1996 by Valley Medical Center [now Community Medical Center] for \$198,043.68.
Inventory	Notice of Status Hearing filed on 7/28/2010 set a status hearing on 9/9/2010 for failure to file the inventory and appraisal, and failure to file a first account or petition for final distribution. <i>Clerk's Certificate of Mailing</i> shows the <i>Notice</i> was mailed to Keith S. Walker on 7/28/2010.	The following issues remain:
PTC	Notes from the previous status hearings for background:	1. Need Final <i>Inventory and Appraisal</i> pursuant to Probate Code § 8800.
Not.Cred.	<ul style="list-style-type: none"> <i>Minute Order</i> dated 9/9/2010 [Judge Gallagher] states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost. If the accounting is filed, no appearance is necessary on 12/6/2010. <i>Minute Order</i> dated 12/06/10 [Judge Hamlin] states Attorney Walker states his intention to file a Petition to Set Aside in this matter and requests a continuance. If said petition is filed, then no appearance is necessary on 1/27/2011. <i>Minute Order</i> dated 1/27/2011 [Judge Oliver] states Counsel is directed to file the inventory with the petition. If filed by 4/6/2011 and reviewed by an examiner no appearance will be necessary. <i>Minute Order</i> dated 4/6/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel advises the Court that he has managed to re-establish contact with his client and has made contact with an attorney in San Diego. Counsel further advises that he will be filing a Petition for Family Allowance. 	2. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B) and (C).
Notice of Hrg		Reviewed by: LEG
Aff.Mail		Reviewed on: 3/12/12
Aff.Pub.		Updates:
Sp.Ntc.		Recommendation:
Pers.Serv		File 3 - Vaughn
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order		
Aff. Post		
Stat Rpt		
UCCJEA		
Citation		
FTB Notc		

~Please see additional page~

Notes from the previous status hearings for background, continued:

- *Minute Order* dated 6/7/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel requests a continuance. Matter continued to 9/6/2011.
- *Minute Order* dated 9/6/2011 [Judge Oliver] states Keith Walker states that he has had a medical procedure keeping him away from court. Mr. Walker requests a continuance, stating, for example, a pending creditor's claim. The Court notes the creditor's claim and understands the matter will be finished at the next court hearing of 11/8/2011.
- *Minute Order* dated 11/8/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Mr. Walker informs the Court that he has the Petition for Family Allowance largely prepared, but needs a continuance due to medical issues. Matter continued to 12/13/2011.
- *Minute Order* dated 12/13/2011 states Mr. Walker appears by CourtCall. Mr. Walker advises the Court that he should have the petition filed by the end of this year.

Report of Sale and Petition for Order Confirming Sale of Real Property

Age: 86 years	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
DOB: 1/22/1926			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			Sale price: \$72,000.00
<input checked="" type="checkbox"/> Verified			Overbid: \$76,100.00
<input checked="" type="checkbox"/> Inventory			Reappraisal: \$80,000.00
<input type="checkbox"/> PTC			Property: 4727 East Norwich Ave. Fresno, CA 93726
<input type="checkbox"/> Not.Cred.			Publication: Fresno Bee
<input checked="" type="checkbox"/> Notice of Hrg			Buyers: Higton Investment Group LLC
<input checked="" type="checkbox"/> Aff.Mail w			Broker: \$4,320.00 <i>(6% payable to Realty Concepts, to be split evenly between Barbara Strachan and Derek Feramisco - both of Realty Concepts)</i>
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input checked="" type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
	Reviewed by: NRN		
	Reviewed on: 3/13/12		
	Updates:		
	Recommendation:		
	File 4 - Hart		

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 10800; 10810; 10951; 11600; 11850(a)]

DOD: 6/14/2006		PUBLIC ADMINISTRATOR , Successor Administrator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period: 3/25/2010 – 12/31/2011	
Cont. from		Accounting - \$170,000.00	
		Beginning POH - \$170,000.00	
		Ending POH - \$ 13,570.19 (all cash)	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Administrator - \$1,200.00 (statutory)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Administrator XO - \$1,248.00 (for sale of real property @ \$1,000.00 per Local Rule 7.1; and for tax return preparation @ \$248.00 – 1 deputy hour @ \$96/hr and 2 probate assistant hours @ \$76/hr)	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	W/ Attorney - \$1,200.00 (statutory)	
	Pers.Serv.		
	Conf. Screen		
	Letters	032510 Bond Fee - \$131.25 (ok)	
	Duties/Supp		
	Objections	Costs - \$420.50 (certified copies; filing fee)	
	Video Receipt		
	CI Report	Closing - \$500.00	
<input checked="" type="checkbox"/>	9202	Distribution pursuant to intestate succession is to:	
<input checked="" type="checkbox"/>	Order	<ul style="list-style-type: none"> • JOSE MIRAMONTES – \$2,956.82 cash; • RICARDO MIRAMONTES – \$1,478.40 cash; • HUGO MIRAMONTES – \$1,478.40 cash; • MARIO MIRAMONTES – \$1,478.40 cash to be placed into a blocked account accessible without further court order upon beneficiary attaining age of majority; Petitioner requests authority to take this action because this beneficiary is a minor (age 16); • GUILERMINA MIRAMONTES – \$1,478.40 cash. 	
	Aff. Posting	Petitioner requests that in the event the whereabouts of the heirs are not known, Petitioner is authorized to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).	
	Status Rpt		Reviewed by: LEG
	UCCJEA		Reviewed on: 3/13/12
	Citation		Updates:
<input checked="" type="checkbox"/>	FTB Notice		Recommendation: File 5 - Miramontes

Atty Burnside, Leigh (of DAK, for Norma G. Little – Petitioner)

Atty Milnes, Michael A (for Christopher Brian Little – Executor/Respondent)

Petition to Remove Executor, for an Accounting, for Appointment of Successor Personal Representative, for Surcharge, and to Enforce Settlement AGREEMENT
 (Prob. C. 8500, 8501, 8502, 8520 et seq., 8540 et seq., 10952, 12200, 12204, 12205, and CCP 664.6)

DOD: 7/4/08		NORMA G. LITTLE, surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS
		Petition states:	
Cont. from: 091310, 100410, 102710, 120810, 021611, 033011, 051811, 080311, 091411, 102611, 011112, 030712		<ul style="list-style-type: none"> Petitioner Norma Little ("Petitioner") is the surviving spouse of Decedent; they were married on 5/22/04 and were married at the time of Decedent's death; On 7/18/08, Respondent Christopher Little ("Respondent"), who is Decedent's brother, was appointed personal representative of Decedent's estate by the Pinal County Superior Court, state of Arizona ("Arizona court"); On 11/12/08, the Fresno County Superior Court ("Fresno court") appointed Respondent as the California Executor with bond of \$400,000.00; Thomas McCarville ("T. McCarville") and David McCarville ("D. McCarville") are Arizona attorneys who represent Respondent in the Arizona proceedings; Petitioner previously filed 3 petitions in this matter: 1) <i>Petition to Determine Distribution Rights</i>; 2) <i>Petition for an Order Setting Apart Probate Homestead</i>; and 3) <i>Petition for Payment of Family Allowance</i>, and the matters were set for trial; Prior to trial, the parties agreed to settle all of Petitioner's claims subject to approval from the Fresno and Arizona courts (Settlement AGREEMENT and Mutual General Release ("AGREEMENT") attached to Petition as Exhibit A); The AGREEMENT states in part: <ul style="list-style-type: none"> Respondent is to file petitions for approval of the AGREEMENT in each court no later than 8/21/09; upon approval by both courts, Respondent is to distribute property to Petitioner pursuant to said AGREEMENT; Settling parties are to execute or deliver any instrument, furnish any information, or perform any other act necessary to carry out the AGREEMENT's provisions without undue delay or expense, including appearing at court hearings concerning the status of disputes (<i>emphasis added in Petition</i>); Prevailing party in an action to enforce terms of AGREEMENT is entitled to costs and reasonable attorneys' fees; AGREEMENT is enforceable pursuant to CCP section 664.6. 	<p><u>Continued from 3/7/12.</u> <u>Minute Order states: Mr. Knudson advises the Court that the Arizona Court approved the settlement agreement. The Court continues the matter to 3/21/12 so counsel from the DAK firm can be present.</u></p> <p><u>Note: Notice of Lien, filed on 2/22/12 by the Dowling, Aaron firm (counsel for Norma Little), indicates the law firm is claiming a lien on any and all claims and entitlements of Norma Little in the amount of \$112,393.41 as of 2/1/12.</u></p>
Aff.Sub.Wit			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<u>SEE ATTACHED PAGE-</u>	Updates: Reviewed: 3/13/12 Recommendation: Reviewed by: NRN File: 6A - Little

- On 9/22/09, Respondent petitioned the Fresno court to approve the AGREEMENT; on 9/29/09 he similarly petitioned the Arizona court for approval; on 12/14/09, the Fresno court approved the AGREEMENT;
- On 5/17/10, the Arizona court ordered Respondent's attorney, D. McCarville, to provide all parties with an updated accounting no later than 7/16/10; in disregard of said order, D. McCarville provided the parties with a "First Supplemental Inventory and Appraisal," instead of the court-ordered updated accounting (*note: per Declaration of Petitioner, filed 9/9/10, this Inventory filed by Respondent shows values for Decedent's property that are significantly less than the date of death values*; nearly a year has passed since the AGREEMENT was executed, and 7 months have passed since the Fresno court approved it;
- Respondent has failed to obtain the Arizona court's approval of the AGREEMENT, has failed to respond to objections filed in Arizona, and has failed to timely administer Decedent's estate, all in violation of the AGREEMENT and his fiduciary duties;
- Respondent's failure to secure Arizona court approval is due in part to D. McCarville's conflicts of interest and Respondent's failure to retain counsel without such conflicts;
 - Specifically, on 11/13/09, Respondent's attorney D. McCarville petitioned the Arizona court for instructions relating to several conflicts of interests, including:
 - D. McCarville's brother and in-laws have an ownership interest in estate assets;
 - Prior to Decedent's death, D. McCarville's brother took out a loan to improve the assets he apparently owns with the estate and is apparently owed money by the estate for this loan;
 - D. McCarville's father, T. McCarville, was previously a partner with the attorney who prepared Decedent's ante nuptial AGREEMENT and who now faces potential malpractice claims by the estate relating to the ante nuptial AGREEMENT; and
 - D. McCarville represents (in other matters) the fiduciary company, East Valley Fiduciary Services/James C. Clark, that has been appointed as guardian and conservator of Jeremy R. Little, who is Decedent's grandson and the only party objecting to the AGREEMENT with claims adverse to Executor and Petitioner.
 - The Arizona court never issued instructions on these conflicts of interests.
- D. McCarville is delaying Respondent from timely administering Decedent's estate, in part because of conflicts of interest;
- Due to the failures of Respondent and D. McCarville, Petitioner has received none of the property to which she is entitled;
- Petitioner has sought approval from the Arizona court through her counsel, but has been unsuccessful.

Petitioner Requests an order:

1. Removing Respondent as personal representative (Executor) and revoking Letters;
2. That Respondent file an accounting within 60 days of his removal as personal representative;
3. Denying appointment of Thomas McCarville as nominated Successor Executor;
4. Appointing Petitioner Norma Little as successor personal representative, or in the alternative, appointing a neutral third party as successor personal representative;
5. Surcharging Respondent's compensation as Executor pursuant to PrC 12205;
6. Enforcing the AGREEMENT by requiring Respondent or successor personal representative to vigorously prosecute the enforcement of the AGREEMENT in the Arizona court and defend objections thereto at the expense of Decedent's estate, requiring Respondent or successor personal representative to obtain counsel who does not represent a conflict of interest with regard to the estate, and by requiring that Respondent or successor personal representative to do all acts necessary to perform the obligations of the AGREEMENT without undue delay;
7. For attorneys' fees and costs and for such other orders as the Court deems proper.

Response to Petition, filed by Respondent Christopher Little on 9/27/10, states:

- The sole heirs under Decedent's Will are Decedent's son James D. Little and his grandson Jeremy Little;
- Petitioner Norma G. Little ("Petitioner") and Decedent entered into a written agreement prior to their marriage; included in this agreement was a waiver by Petitioner of any right to inherit property from Decedent's estate;
- Currently, the Arizona court has not approved the parties' 8/4/09 AGREEMENT; as such, there is no enforceable settlement of the matters and issues between Petitioner and Respondent in this Court, as the terms of the AGREEMENT are expressly conditioned upon the approval of the AGREEMENT's terms by both the Fresno Court and the Arizona Court and without both court's approval, the AGREEMENT has no force and effect.

SEE ATTACHED PAGE

6A

- On 10/5/09, the Arizona court held a status review hearing regarding the AGREEMENT; at that hearing, Petitioner, Jim Little, and the guardian of Jeremy Little stated their objections to the AGREEMENT; a further status review was scheduled for 11/16/09;
 - a. Between 11/16/09 and 4/19/10, the court held several status hearings on matters relating to the administration of the estate and petition to approve the AGREEMENT;
 - b. On 5/17/10, the Arizona court ordered Respondent to provide an updated accounting by 7/16/10, with objections to the AGREEMENT to be filed by 8/20/10, and responses to the objections filed by 9/17/10;
 - c. Respondent filed a 1st Supplemental Inventory with the Arizona court on 7/16/10; and thereafter filed a Petition for Approval of 1st Interim Accounting on 7/30/10;
 - d. On 8/9/10, counsel for Jim Little's conservator filed an objection to Respondent's petition to approve the AGREEMENT; objections were also filed by counsel for Jeremy Little's guardian on 8/19/10, to which Jim Little filed a joinder;
 - e. Jim and Jeremy Little's primary objections to the AGREEMENT focus on Petitioner's status as an omitted spouse and the reduced value of assets of Decedent's estate;
 - f. The Arizona court set a settlement conference for 10/19/10;
 - g. Petitioner also filed an MSJ in the Arizona court to compel the court to approve the AGREEMENT and the matter is currently before that court;
 - h. The Arizona court has also set a status review hearing on 11/1/10.
 - i. Petitioner has attended all proceedings before the Arizona court.
- Petitioner has a significant conflict of interest disqualifying her from serving as personal representative because she has pending creditor's claims and Petitions now pending before this court; though a settlement has been reached through the AGREEMENT, the AGREEMENT has not been approved by the Arizona court and the matter is currently pending;
- Petitioner has not filed a petition in the Arizona court for removal of Respondent as personal representative; as such, appointment of Petitioner in the Fresno court would provide an unworkable and inconsistent administration of the Decedent's estate, and only further delay the ultimate resolution of this case;
- Finally, the hearing on David McCarville's Petition for instructions on the conflicts of interest has been continued by the Arizona court each time, and Petitioner's attorney has not objected to any such continuance;
- **Respondent requests:** An evidentiary hearing; that Petitioner Norma Little's Petition be dismissed with prejudice, and that Petitioner be required to pay Respondent's reasonable attorneys' fees and the costs of this proceeding.

STATUS REPORT, FILED 10/25/10 BY ATTORNEY MILNES, STATES: A mediation was conducted on 10/19/10 and a complete settlement agreement was reached between all parties, and Atty Keeler has undertaken to reduce the settlement agreement to writing as recited on the record.

Status Report, filed 3/25/11 by Counsel for Norma Little, states:

- *The 10/19/10 mediation (as referenced above) resulted in a complete settlement of all matters existing between the parties; and was confirmed by the Pinal County, Arizona Superior Court ("the settlement agreement");*
- *A draft of the settlement agreement was originally prepared in 11/10 and since then the parties have been negotiating the agreement amongst themselves;*
- *At the last status conference on 2/16/11, the agreement was still being negotiated and the Court continued the matter to 3/10/11;*
- *To date, the parties have not been able to agree upon the agreement's provisions relating to primary jurisdiction of this matter; Norma Little contends that as Decedent died in Fresno County, jurisdiction is proper in Fresno County; respondents contend jurisdiction should be set in either Pinal County, AZ or a neighboring AZ county;*
- **THEREFORE, NORMA LITTLE REQUESTS A FURTHER CONTINUANCE TO ALLOW PARTIES ADD'L TIME TO AGREE ON A SETTLEMENT AGREEMENT AND/OR PETITION THE PINAL CTY SUPERIOR COURT FOR ENFORCEMENT OF THE 11/10 SETTLEMENT AGREEMENT.**

SEE ATTACHED PAGE

6A

Status Report, filed 9/13/11 by Attorney Michael Milnes (for Executor/Respondent Christopher Little) states:

- Disputes regarding the AZ Settlement are still ongoing;
- Attorney Milnes has not been involved in the AZ settlement discussions, as what is ultimately resolved in AZ will have to return to this Court for approval (AZ court minute orders attached to Status Report and shows the case's activity for the past 3 months);
- The personal representative has also recently filed an accounting of his activities in AZ and petitions for fees, to be heard in AZ on 10/3/11, and parties to this AZ probate case have until 9/23/11 to file their objections to the accounting and/or petitions for fees;
- As such, future AZ proceedings are dependent upon what occurs as a result of these filings;
- The AZ parties have agreed that Christopher Little shall remain as Executor in both the AZ and CA probate matters;
- Attorney Milnes suggests this matter be set for a further status hearing in 60-90 days.

Atty Burnside, Leigh (of DAK, for Norma G. Little – Petitioner)

Atty Milnes, Michael A (for Christopher Brian Little – Executor/Respondent)

Status Hearing Re: Exoneration of Bond and Dismissal

DOD: 7/4/08		<p><u>This Status Hearing was set by the Court on 1/11/12, on the Petition to Remove Executor (see Page 1A). Minute Order states: Ms. Berger-Hoang and James Clark are appearing via conference call as well as Ken Peace. Ms. Burnside informs the Court that a settlement was submitted to the court in Arizona.</u></p> <p><u>Need Proof of Exoneration of bond and Dismissal, or Status Report.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 3/7/12</u></p> <p>1. Need proof of exoneration of bond and dismissal, or status report.</p>
Cont. from 3/7/12			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: NRN	
		Reviewed on: 3/13/12	
		Updates:	
		Recommendation:	
		File 6B – Little	

6B

Final Report and Account of the Public Administrator [Prob. C. § 7660]

DOD: 12-18-08		PUBLIC ADMINISTRATOR is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-5-09 through 1-27-12	1. The account period ends 1-27-12, but the Property On Hand is cash as of 6-30-11. The Court may require clarification. 2. Need \$395.00 Court filing fee for this Final Report per Probate Code §11420. Accordingly, need recalculation of payments to creditors after payment of the Court filing fee as an expense of administration.
		Accounting: \$61,032.58	
		Beginning POH: \$60,400.00	
		Ending POH: \$7,877.19 (as of 6-30-11)	
		Public Administrator (Statutory): \$2,441.30	
		Attorney: (Statutory): \$2,441.30	
		Bond fee: \$457.74 (ok)	
		Petitioner intended to treat this like all 7660 final reports, which is to pay all fees and distributions and then report to the Court what occurred; however, given the insolvency of the estate, notice was given to review the account and proposed distributions.	
		After payment of the above fees totaling \$5,340.34, payment of the remaining estate in the amount of \$2,536.85 shall be made to the following creditors:	
		<ul style="list-style-type: none"> • Joanne Sanoian - \$91.11 • Valley Health Care - \$24.69 • Pharmerica - \$65.90 • Avalon Care Center - \$2,036.13 • Fresno County Public Guardian - \$183.72 • Fresno County Treasurer - \$3.27 • Fresno County Counsel - \$132.03 	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3-13-12
			Updates:
			Recommendation:
			File 7 - Sprague

Atty Clark, William F (of Redondo Beach, for James Wilkinson, beneficiary – Petitioner)

Atty Knudson, David (for James Wilkinson – Petitioner)

Atty Simonian, Jeffrey (for Ross Wilkinson, Trustee)

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

Age:	JAMES R. WILKINSON, son and beneficiary of the WILLIAM and DORTHEA WILKINSON TRUST ("Trust") is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
DOD:			
			Continued from 2/8/12. Minute Order states: Court requests Mr. Simonian to contact Mr. Clark regarding the filing of the 4 th amended account he stated he would file at the 1/25/12 hearing.
Cont. from 102511, 120811, 012512, 020812			[1/25/12 Minute Order states: Mr. Clark is appearing via conference call. Mr. Clark advises the Court that he will be preparing a fourth amended petition. The Court orders that there be no acceptance of any offers as to the 7800 Van Ness property pending court approval. The Court will entertain an Order Shortening Time.]
Aff.Sub.Wit.			
✓ Verified			As of 3/13/12 nothing further has been filed.
Inventory			
PTC			<p>Reviewed by: NRN</p> <p>Reviewed on: 3/13/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Wilkinson</p>
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

ROSS W. WILKINSON, son, is the current Trustee.

Petitioner states that pursuant to the Trust's 4th Amendment, which is a Survivor's Trust, Trustee Ross Wilkinson ("Ross") was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust (*copy of Trust attached to Petition*).

Petitioner states Ross has breached PrC §§16000-16001(5) by converting Trust property for his own personal use and benefit. Specifically, Ross has absconded Trust property in a minimum amount of approximately \$98,686.75, and has wrongfully paid money to his wife Cindi from the Trust, in the approximate amount of \$39,457.75 (*copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached to Petition*).

Petitioner further states that on 3/26/07, Ross directed \$200,000.00 to be wire transferred from the Trust's Wachovia stock account to Pacific Northwest Title Company. These funds were then used to purchase real property located in Monroe, Washington in the name of Ross and Cindi Wilkinson, and is not listed as Trust property (*copies of the Wachovia withdrawal attached to Petition*).

Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated.

Petitioner states that though the Trust provides for Petitioner to act as Trustee in Ross' place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that Bill Bickel be appointed. Mr. Bickel is willing to act as Trustee.

There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to PrC §15660(c).

Petitioner requests: 1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) that Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) that Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; 5) that Ross pay for costs incurred herein and 6) for all other orders the Court deems proper.

See attached page

8 (1st addt'l page) William and Dorothea Wilkinson Trust Case No. 11CEPR00222

Objections to Third Amended Petition, was filed 10/24/11 by Ross W. Wilkinson ("Respondent")

Petitioner states:

- As a result of Dorothea Wilkinson's (Dorothea) death on 1/19/97 (prior to William D. Wilkinson's ("William") death on 2/3/09, the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B-Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent, Ross;
- Fresno County is the principal place of administration of the Wilkinson Trusts;
- The Wilkinson Trusts are not revocable;
- Trust A holds title to an undivided 65.29% interest in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided 34.71% interest in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted and exhausted during William's lifetime.

Issue of Removal of Trustee/Reappointment of Successor Trustee

- Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1));
- Furthermore, the copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021 and finally, the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
- There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
- Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect. Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names Jane Morton as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, Union Bank is specifically named;

See attached page

CONT'D:

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee

- Respondent confirms Petitioner's allegation that \$200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company;
- Said funds were used to purchase real property in Washington State and title is held by Respondent;
- Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;
- Said action however was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, \$160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said \$160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exh. B) a list of disbursements totaling \$44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- However, all other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;

See attached page

- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;
- Respondent attaches to his *Objections* (as Exh. C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total \$156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement from Trust assets for said costs.

Respondent Trustee's Status Report, filed 1/19/12, states:

- At the 10/25/11 hearing, the Court ordered accountings for the Wilkinson Trusts for two account periods (4/5/05-1/31/09 and 2/1/09-7/13/11), and pursuant to a stipulation of the parties, these accountings were to be filed 7 days before the 1/25/12 hearing;
- Respondent attaches both Court-ordered accountings for the Wilkinson Trusts, for review by the Court and Petitioner's counsel; however, due to the length of the first account period and the number of transactions involved with respect to the three trusts, Respondent's counsel has not been able to include all of the information in each accounting for the joint account that was maintained during the account period by Respondent and William Wilkinson as that information is still being reviewed to appropriately characterize and allocate the receipts received and disbursements made. **Respondent's counsel believes he will complete the accountings by the 1/25/12 hearing. However, this Status Report is provided to inform the Court as to the above status given the stipulated filing date (7 days prior to the hearing).**

See attached page

Respondent's Supplement to Status Report, filed 1/24/12, states:

- Respondent was ordered on 10/25/11 to provide Petitioner with an accounting for the disposition of any funds or accounts the source of which can be traced to either Trust A, B, or C, from 4/4/05 through the date of the account;
- Respondent attaches as Exhibit A an accounting for the Bank of America Joint checking account, held in both Petitioner and Respondent's names, for the period 12/15/06-12/18/09;
- A portion of the deposits made to this checking account can be traced to Wachovia Securities Account #6651 held in the name of Wilkinson Trust C. Respondent is in the process of obtaining additional account statements for the Bank of America account for the time period prior to 12/15/06, and will provide a further account for activities prior to that date when statements are received;
- In preparing the Bank of America accounting it was discovered that a deposit to Wachovia Securities reported on Schedule B of the 4/1/05-1/31/09 accounting (attached to prior Status Report) was incorrectly characterized as a "miscellaneous receipt" in the amount of \$21,169.58, received 11/28/07 from the Winifred Petersen Residual Trust. This deposit however should have been characterized as a payment by Ross Wilkinson against the unpaid principal balance of the unsecured loan reported on Schedule G of the Accounting, as the source of the deposit can be traced to Ross Wilkinson;
- As such, pages 1,8,17, and 18 of the Trustee's Accounting for the 4/1/05-1/31/09 period have been revised, and are attached to this Supplemental Status Report as Exhibit B;
- Additionally, in order to reflect the changes to the 4/1/05-1/31/09 account, it was necessary to correct the beginning and ending balance of the unsecured loan to Ross Wilkinson reported in the Accounting for the 2/1/09-7/31/11 Accounting – and attached as Exhibit C are the revised pages to this 2/1/09-7/31/11 Accounting.

(1) Second and Final Account and Report of Conservator of the Person and the Estate and (2) Petition for Allowance of Attorney Fees and (3) for Delivery of Asset (Prob. C. 1860, 2620 & 2632)

DOD: 8-25-11			CHARLES LAMBETECCHIO , Conservator with bond of \$110,297.00, is Petitioner. Account period: 7-30-11 through 1-13-12 Accounting: \$137,444.41 Beginning POH: \$134,235.74 Ending POH: \$110,249.56 (\$80,249.56 is cash) Conservator: Waived Attorney: \$1,000.00 (per local rule) Costs: \$395.00 Petitioner prays for an Order: 1. Approving, allowing and settling the account and report; 2. Authorizing payment of the attorney fees and costs; 3. Authorizing and directing Petitioner to deliver the property remaining in his possession to the Executor of the estate; and 4. Upon filing of the proper receipts, discharge of the estate and surety on the bond.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner was appointed Executor of the Conservatee's estate in 11CEPR00798 on 10-20-11.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 3-13-12 Updates: Recommendation: SUBMITTED File 9 - Brinkhaus	

10 Mary Corrales (Estate)

Case No. 11CEPR00636

Atty LeVan, Nancy J. (for Demetria Mijangos – daughter/Petitioner)

ProPer Villareal, Monica (pro per – Petitioner/objector)

Atty Kruthers, Heather (for Public Administrator)

Petition to Revoke Probate of Will and for Instructions to Public Administrator (Original Exhibit Attached)

DOD: 05/11/11		MONICA VILLAREAL , daughter, is Petitioner. On 07/26/11 , Demetria Mijango's, decedent's daughter, filed a petition for probate to be appointed Administrator with Will Annexed and admit decedent's Will dated 11/06/08 to Probate. On 08/08/11 , Monica Villareal, filed a Declaration in Opposition to Demetria Mijango's Petition for Probate. On 08/30/11 the Court appointed the Public Administrator as Administrator of the Estate. On 09/16/11 , Monica Villareal filed this Petition to Revoke Probate of Will and For Instructions to Public Administrator . The Petition states that at the hearing on 08/30/11 another daughter of the decedent, Ruth Reyes, presented a holographic Will of the decedent dated 02/09/09 that leaves the entire estate to Ruth Reyes. Also presented was a handwritten note by the decedent declaring that the deed she signed giving joint tenancy to Demetria and Jose Mijangos was a product of fraud and undue influence. The note further completely disinherits the Mijangos. Ms. Villareal states that the Court would not accept these documents during the 08/30/11 hearing, but states that these documents should be accepted by the Court as the decedent's last Will. Further, Ms. Villareal requests the Court to direct the Public Administrator to act on these two holographic documents. Declaration of Ramona Azevedo filed 02/24/12 states that the signature on the holographic will and letter omitting Demetria Mijangos is not Mary Corrales' signature. Ms. Azevedo states that Mary Corrales told her several times that Demetria Mijangos would do the right thing with her estate.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 02/08/12 Minute order from 02/08/12 hearing states: Parties are ordered to give Susan Banuelos their contact information. 1. Need Summons and proof of service of Summons on Personal Representative. (The Public Administrator was appointed as Administrator with Will Annexed on 08/30/11; however, they were subsequently dismissed as Administrator for this Will. A Holographic Will dated 02/01/09 was subsequently admitted to probate and the Public Administrator was appointed as Administrator with Will Annexed of the 02/01/09 Will on 10/24/11.) 2. Need Order.
Cont. from 102411, 011812, 020812			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/o	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Atty Rindlisbacher, Curtis D., of Perkins Mann & Everett (for Petitioner Linda M. Schroer)

(1) Report of Executor and (2) Petition for its Settlement on Waiver of Account, for
 (3) Allowance of Compensation to Executor and Attorneys for Ordinary Services
 and for (4) Final Distribution (Prob. C. 11640)

DOD: 5/27/2011		LINDA MARTHA SCHROER , daughter and Executor, is Petitioner. Accounting is waived. I & A - \$125,452.25 POH - \$125,452.25 Executor (statutory) - \$4,763.57 Attorney (statutory) - \$4,763.57 Costs - \$1,145.00 <i>(filing fees, publication, certified copies)</i> Distribution pursuant to Decedent's Will is to: • LINDA MARTHA SCHROER as Trustee of THE HORSCHMAN FAMILY TRUST OF 1993 dated 5/7/1993 – entire estate consisting of \$125,452.25 contained in mutual fund.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
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	Aff.Pub.			
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	Pers.Serv.			
	Conf. Screen			
	Letters			100511
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Reviewed by: LEG
Reviewed on: 3/13/12
Updates:
Recommendation: SUBMITTED
File 11 - Horschman

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 1-25-12			DEBRA M. GUNN , Daughter and named Executor without bond, is Petitioner. Full IAEA – ok Will dated 3-14-05 Residence: Fresno Publication: Fresno Business Journal Estimated Value of Estate: Personal property: \$ 3,000.00 Real property: \$ 135,000.00 Total: \$ 138,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.	S/P		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report		Reviewed by: skc Reviewed on: 3-13-12 Updates: Recommendation: SUBMITTED File 12 - Gunn	
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Atty Thomas, Wm. Lanier, of Lang Richert & Patch (for Petitioner Cynthia Morgan-Gunner)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10/8/2011			CYNTHIA MORGAN-GUNNER , souse and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Full IAEA – o.k.	<p>1. <i>Attachment 3(e)(2)</i> to the <i>Petition</i> contains a copy of Decedent’s Will that is missing Page 5, upon which the Decedent’s signature would be contained.</p>
Cont. from			Will dated: 4/1/2010	<p>2. Item 8 of the <i>Petition</i> does not list as required the following person mentioned in Decedent’s Will: Terry Johnson, named alternate executor.</p>
	Aff.Sub.Wit.			
✓	Verified		Residence – Clovis	<p>3. A beneficiary of the estate is the Eddie H. Gunner Revocable Living Trust Agreement. Item 8 of the <i>Petition</i> does not list the trustee or beneficiaries of the Trust, nor do Court records contain proof of whether the trustees and trust beneficiaries were sent notice of this <i>Petition</i> pursuant to Probate Code § 1208(b).</p>
	Inventory			
	PTC		Publication – Business Journal	<p>4. Item 5(a) of the <i>Petition</i> is incomplete as to (7) or (8) re: issue of a predeceased child.</p>
	Not.Cred.			
✓	Notice of Hrg		Estimated value of the Estate:	<p>Reviewed by: LEG</p> <p>Reviewed on: 3/13/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Gunner</p>
✓	Aff.Mail	W/		
✓	Aff.Pub.		<p>Personal property - \$200,000.00</p> <p><u>Annual income from P/P</u> - <u>\$ 11,000.00</u></p> <p>Total - \$211,000.00</p>	
	Sp.Ntc.			
	Pers.Serv.		Probate Referee: Steven Diebert	
	Conf. Screen			
	Aff. Posting			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
✓	Letters			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 11-14-11		DENNIS B. SMITH , Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need verification of the petition by all heirs succeeding to the property pursuant to Probate Code §§ 13152(a) and 1020. (The petition should be brought by all heirs who are succeeding to the property; however, at this point, the Court may accept separate verifications via declaration.) 2. Need new order. The order does not contain the legal description of the property at #9. (The order references an attachment, but there is nothing attached.)
		40 days since DOD	
		No other proceedings	
		I&A - \$95,000.00	
		Will dated 1-5-07	
		Petitioner requests Court determination that Decedent's 100% interest in certain real property passes to his three children in 1/3 shares pursuant to Decedent's will.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3-13-12
			Updates:
			Recommendation:
			File 14 - Smith

Pro Per Silva, Rosa Elia (Pro Per Petitioner, maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Lino Age: 3 years DOB: 10/3/2008		<p style="text-align: center;"><u>General Hearing set for 5/7/2012</u></p> <p>ROSA ELIA SILVA, maternal grandmother, is Petitioner.</p> <p>Father: MANUEL ERNEST RUELAS</p> <p>Mother: SOPHIA ISABEL SILVA</p> <p>Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i></p> <p>Maternal grandfather: Jose Silva</p> <p>Petitioner states both parents are in jail, and the children have been living with her since 10/20/2011.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> and a copy of the <i>Petition for Appointment of Temporary Guardian</i>, or <i>Consent to Appointment of Guardian</i> and <i>Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> • Sophia I. Silva, mother; • Manuel E. Ruelas, father. 3. <i>UCCJEA</i> form filed on 3/7/2012 does not provide the residence information of the children for the last 5 years as required. 4. Item 2 of the <i>Child Information Attachment</i> for both children does not list as required the names of the paternal grandparents. <p><u>Note:</u> Proof of service by mail of the <i>Notice of Hearing</i> to all of the grandparents is not required for this temporary hearing, but such proof or due diligence to locate them will be required for the general hearing on 5/7/2012.</p>
Daymien Age: 1 year DOB: 3/25/2011			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Pers.Serv	X		
Sp.Ntc.			
Aff.Pub.			
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 3/13/12
Updates:
Recommendation:
File 15 - Ruelas